Court of Appeal No.

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

v.

JASON NICHOLAS KRANZ

P R O C E E D I N G S

BEFORE THE HONOURABLE JUSTICE A. MCKAY
on January 16, 2019, at KITCHENER, Ontario

APPEARANCES:

K. Wood	Counsel for the Crown
D. Woodbeck	Counsel for Jason Kranz

ONTARIO COURT OF JUSTICE

T A B L E O F C O N T E N T S

E X H I B I T S

EXHIBIT NUMBER		ENTERED ON PAGE
1	Criminal Record	6

LEGEND

[sic] Indicates preceding word has been reproduced verbatim and is not a transcription error.

(ph) Indicates preceding word has been spelled phonetically.

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WEDNESDAY, JANUARY 16, 2019

D. WOODBECK: Just to alert Your Honour, Mr. Kranz, who, who will arrive shortly suffers from schizophrenia. So sometimes things don't go according to plan, but I believe this is a matter for plea today.

THE COURT: And are there multiple counts?

K. WOOD: Yes. Count two, the assault on Mendoza, count three, the assault on Rumble with intent to resist and count five — Your Honour, I don't know if you can advise if the complainant's name on that information has already been amended to be Ignacio R...

THE COURT: Count five?

K. WOOD: ...Z — yes, count five. R-Z-O-N-D-Z-I-N-S-K-I, should be the name.

THE COURT: It now reads Juan Mendoza.

K. WOOD: So I would — I'll wait until Mr. Kranz is brought up, and I'll be seeking to amend that charge.

H. MATTSON: Yes, I'm letting Mr. Woodbeck go. Apparently, Mr. Woodbeck has a lucid moment right now and he may need...

D. WOODBECK: Yes.

H. MATTSON: ...to go....

D. WOODBECK: It's a good day for me.

H. MATTSON: You know, it's, it's — this is like the 10 minutes that he's lucid, so why don't you go ahead?

D. WOODBECK: A very brief window.

H. MATTSON: Yeah, a very brief period of lucidity on Mr. Woodbeck's part, Your Honour.

D. WOODBECK: This is Mr. Kranz, Your Honour. I believe this is a matter for plea today.

THE COURT: Thank you. And the Crown was looking for an amendment to count five?

K. WOOD: That's correct. On the name of the complainant, Juan Mendoza. I'd seek we amend it to read Ignacio Rzondzinski. I'll spell that. I-G-N-A-C-I-O is the first name. Last name, R-Z-O-N-D-Z-I-N-S-K-I. I can indicate I am proceeding summarily.

THE COURT: Thank you. And the pre plea inquiry has being conducted?

D. WOODBECK: I have done that with Mr. Kranz and upon the conclusion of the facts being read in, I will just — if I may ask directly Mr. Kranz if he accepts the facts.

THE COURT: Thank you. So, Madam Clerk, whenever you're ready, Mr. Kranz can be arraigned on those three charges.

CLERK REGISTRAR: Jason Nicholas Kranz, you stand charged on or about the 31st day of August, in the year 2018, at the City of Kitchener in the West Region, did commit an assault on Juan Mendoza contrary to section 266 of the *Criminal Code of Canada.*

THE COURT: So Crown's elected summarily, I believe on all counts already, so....

K. WOOD: Yes, thank you.

CLERK REGISTRAR: To the charge read, how do you plead, guilty or not guilty?

JASON KRANZ: Guilty.

CLERK REGISTRAR: You further stand charged on or

about the 31st day of August in the year 2018, at the City of Kitchener in the West Region, did assault Jay Rumble with intent to resist lawful arrest of himself contrary to section 270(1)(b), of the *Criminal Code of Canada*. To the charge read, how do you plead, guilty or not guilty?

JASON KRANZ: Guilty.

CLERK REGISTRAR: You further stand charged on or about 31st day of August in the year 2018, at the City of Kitchener in the West Region, did commit an assault on Ignacio Rzondzinski, contrary to section 266 of the *Criminal Code of Canada*. To the charge read, how do you plead, guilty or not guilty?

JASON KRANZ: Guilty.

CLERK REGISTRAR: Thank you.

K. WOOD: On Friday, August 31st, 2018 at 9:35 a.m., police responded to the area of 103 Ontario Street South in the City of Kitchener in regard to a male wearing a blue Tom Brady jersey randomly assaulting people in the parking lot area, causing several injuries to people.

The accused male, later identified verbally as Jason Kranz, earlier had attended the rear parking lot area of the Natural Food Store located at 2 Charles Street in the City of Kitchener. In this parking lot was the first victim, Antonio Machado, who was loading up his van with items that he was moving to a new city that day.

While using the dolly to walk back and forth from the building, Machado was approached by Mr. Kranz

in an aggressive manner. Mr. Kranz, for no apparent reason, punched Machado with a closed right fist, striking Machado's mouth area causing him to stumble backwards and sustain minor injuries.

Mr. Kranz then fled the area towards the Hasty Market located adjacent to the Natural Food Store. Once at the parking lot of the Hasty Market, located at 103 Ontario Street South, Mr. Kranz confronted the second victim, Ignacio Rzondzinski, an 83-year-old man who was attempting to enter the Hasty Market to purchase an item.

Mr. Kranz is seen via Grand River Transit Security surveillance footage right-hand punch Mr. Rzondzinski with a closed fist, knocking him to the ground. As a result of the assault, Mr. Rzondzinski sustained injuries to his facial area as well as a large bump to his right elbow from hitting the pavement.

Seeing the assault occur in front of his store was the owner of the Hasty Market, Juan Mendoza. Mr. Mendoza confronted Mr. Kranz and told him to stop assaulting Mr. Rzondzinski and to wait for police until they arrived. Mr. Kranz then grabbed a hold of Mr. Mendoza by the shirt and two hand shoved him, causing Mr. Mendoza to fall backwards onto the pavement.

Once on the pavement in the parking lot, Mr. Kranz

began to kick Mr. Mendoza using his right foot repeatedly in the head causing several minor facial injuries. At 9:37 a.m., an officer obtained reasonable grounds from Mendoza and Machado as he arrived on scene at the parking lot that Mr. Kranz had assaulted both of them.

The officer then relayed all information via radio transmission to all officers who were en route. Another officer arrived on scene and identified himself as a police officer and advised Mr. Kranz that he was under arrest for assault.

The officer observed Mr. Kranz walking away from police in an attempt to flee the area at which point both officers grabbed a hold of Mr. Kranz's arms to effect an arrest. Mr. Kranz immediately began to struggle with police, kicking and punching towards officers attempting to injure them and run away until he was grounded in the middle of the roadway by both officers.

Arriving shortly after was Sergeant Rumble, who observed a serious struggle ensuing with the officers and Mr. Kranz. Sergeant Rumble assisted in attempting to gain control of Mr. Kranz's hands to keep him on the ground until handcuffs could be placed on him.

During the struggle, before the handcuffs were placed on Mr. Kranz, Mr. Kranz punched Sergeant Rumble in the groin area, causing Sergeant Rumble

to lose balance while effecting the arrest. Another officer then took approximately three steps backwards and issued a caution to Mr. Kranz to comply or the officer would deploy his conducted energy weapon.

Mr. Kranz, yelling and screaming at officers, then attempted to stand up and was subsequently grounded by the officer using the conducted energy weapon. Mr. Kranz continued to struggle with police, refusing to listen to demands of stop resisting. At 9:40 a.m., a safe, effected arrest was completed where Mr. Kranz was handcuffed without injury.

EMS arrived on scene and attended to all victims, as well as assisted in removing prongs from Mr. Kranz's small of his back. Mr. Kranz was then placed into the back of a police cruiser, read his rights to counsel and caution and transported to Central Division where he was held for a show cause. Those are substantially the facts, Your Honour.

THE COURT: Mr. Woodbeck?

D. WOODBECK: Yes. Mr. Kranz, do you accept those facts as read by the Crown?

JASON KRANZ: I'm accepting the facts.

D. WOODBECK: Yes. Are you?

JASON KRANZ: I'm accepting the facts.

D. WOODBECK: Thank you.

THE COURT: Thank you. Finding of guilt based on that admission.

D. WOODBECK: There is a record which is

acknowledged, Your Honour.

CLERK REGISTRAR: Criminal record, Exhibit 1.

EXHIBIT NUMBER 1: Criminal Record – produced and marked.

THE COURT: Submissions whenever you're ready.

D. WOODBECK: Yes. Your Honour should know that I believe Mr. Kranz has been in custody 139 actual days. At one point five to one, would be 209 days, which is obviously a significant period of pretrial detention accredited to Mr. Kranz.

I'll tell you what I know of him. I believe he's currently 37. He tells me that he was adopted and raised by a family. I did speak with his adoptive mother some time ago and I believe the family that raised him, the father was a minister, still is a minister as far as I'm aware. And Mr. Kranz, for a period of his life was in the Canadian Armed Forces, he tells me for about 10 years.

And I can tell you that Mr. Kranz's current source of income is through ODSP, approximately $1,100 a month. He tells me that he has previously been diagnosed as suffering from schizophrenia. And while in custody at Maplehurst, I believe his medication has been adjusted in consultation with a psychiatrist. And it would appear, to me at least, that Mr. Kranz is in considerably better state than when I first met him several months ago.

So there is no logical explanation for any of the conduct that Your Honour's heard about. I would

suggest that much, if not all of it, is a function of underlying mental health struggles that Mr. Kranz deals with.

And in light of his circumstances and his pretrial detention, I believe it would be a joint recommendation for Your Honour's consideration that his time in custody would satisfy the custodial aspect of the sentence and that he should be bound by terms of probation. From today forward, there should be obvious terms that my friend I think will outline to your court — to the court, but subject to any questions, that would be the position I would urge Your Honour to accept.

THE COURT: Thank you.

K. WOOD: It is a joint submission for your consideration, Your Honour, for time served. This nearly puts us at seven months after accounting for enhanced credit. Crown's in a position that this is appropriate, given the random acts of violence and the spree nature of what happened at the Hasty Market that day, unfortunately, necessitating an officer to use his energy conducted weapon to take down Mr. Kranz. I can advise the court that all three victims in this matter declined to provide a victim impact.

Given Mr. Kranz's mental health issues, it is the Crown's submission that this joint position does not bring the administration of justice into disrepute. Crown is seeking two years of probation, with terms that Mr. Kranz have no

contact with all the named complainants in this matter. Antonio Machado on count one, Juan Mendoza. I don't think it's necessary to include a term for the officer, as well as the last amended name on the information, Ignacio Rzondzinski.

As well, a term that Mr. Kranz not attend at the Hasty Market, that he have no weapons, a term for counselling to include specifically anger management and psychological or psychiatric issues. Crown is seeking DNA on these offences. They are all secondary designated offences. I feel it's appropriate in these circumstances. As well the Crown is seeking a section 110 order. Subject to any questions, those would be my brief submissions, Your Honour.

THE COURT: What's the address of the Hasty Market again?

D. WOODBECK: 103 Ontario Street South, I believe.

K. WOOD: In Kitchener.

JASON KRANZ: Am I allowed to attend the bus terminal to get to transportation?

D. WOODBECK: Yeah, I believe you would be, yes.

K. WOOD: I wouldn't seek a radius.

THE COURT: Thank you. Mr. Kranz, would you stand, please?

JASON KRANZ: Yes.

THE COURT: Would you like to add anything to what's been said?

JASON KRANZ: What's your name, just out of curiosity? I don't see a title for your name.

THE COURT: It's Judge McKay.

JASON KRANZ: Thank you.
THE COURT: So anything you'd like to add?
JASON KRANZ: Well, I've served a lot of time and I had a lot to think about and all I'll say is I just want to progress and move on with my life. I want to volunteer some more.
THE COURT: Okay. Do you have a doctor?
JASON KRANZ: Yeah, I have a doctor at the downtown community centre. Her name is Stacy Brickner. I'll be seeing her today. She's in extra hours this, this evening. So I want to make an effort to see her this evening.
THE COURT: And a place to live?
JASON KRANZ: I'll be staying at the Sherwood Inn or the Knights Inn. I do want a safe house to find treatments. There's a lot of drugs and police don't do anything. It's an unfortunate scene and I don't like that scene. So I want my own room at Sherwood Inn or the Knights Inn. So I believe Mr. Woodbeck was going to present 48 hours to, to report.
D. WOODBECK: I, I don't — so just so you understand, Mr. Kranz....
JASON KRANZ: No, I'm going to tell them anyways today.
D. WOODBECK: I, I don't think the Crown is seeking a term that you live in a residence approved of by probation. So I, I think you're...
JASON KRANZ: Oh, really?
D. WOODBECK: ...I think you're okay on that.
JASON KRANZ: I can go wherever I want? But I'm going to tell probation anyways.

D. WOODBECK: Right.
THE COURT: Right.
JASON KRANZ: It's, it's their onus to know that.
D. WOODBECK: Yeah, that's good.
THE COURT: Great, okay. Well, it, it sounds like you want to move forward. You've spent, as you said, quite a bit of time in custody for these assaults. So time served is appropriate. So I'll, I'll note 139 days of actual time, enhanced. It's the equivalent of 209 days in custody. So sentence is going to be time served plus one day deemed served by your appearance here today and then probation for two years.
JASON KRANZ: And that's going to be at the *[indiscernible]* location. I had problems with probation in the past breaching confidentiality. And they said I wasn't allowed to record them, but I recorded them for the purpose that they breached my, my human rights. And I got away with recording them, because I looked up cited law and case law that gave me the rights to record them.
THE COURT: Okay. I....
JASON KRANZ: And it might sound like a mental health issue, but they did actually violated my rights, Your Honour.
THE COURT: Okay. I, I don't control exactly what office you'll report to.
JASON KRANZ: Okay.
THE COURT: If you have some concerns, you can let people know.
JASON KRANZ: I don't want to see Matthew Knox(ph).
THE COURT: And so — but the important thing is

that you report today and that you try to work with probation, okay?

JASON KRANZ: That's, that's correct.

THE COURT: Because they can help. Okay. So terms of the, the order require you to keep peace and be of good behaviour.

JASON KRANZ: All right.

THE COURT: To report today before they close and thereafter report as required by your probation officer.

JASON KRANZ: So just report in person in the, in the — within the courthouse.

THE COURT: Right.

D. WOODBECK: Yeah, I'll, I'll help you with that.

THE COURT: Right, and Mr. Woodbeck will help you to make sure you do that.

JASON KRANZ: Okay.

THE COURT: And you're not to communicate directly or indirectly with Juan Mendoza, Ignacio Rzondzinski or Antonio Machado.

JASON KRANZ: That's fine. I don't even know what these people look like. So....

THE COURT: Right.

JASON KRANZ: And there's a, there's a police officer named as well.

THE COURT: Right, I'm not going to make a non-communication with the police officer, okay?

JASON KRANZ: Because how do I know who he is and what happens...

THE COURT: Right.

JASON KRANZ: ...in the future, what would happen?

THE COURT: Right. Okay, and you're not going to

attend at 103 Ontario Street South in Kitchener. You're going to not — you're not going to possess any weapons as defined in the *Criminal Code*.

JASON KRANZ: That's fine.

THE COURT: You will attend at, actively participate in and complete any assessment, treatment, counselling or rehabilitative program recommended by your probation officer and that includes, but is not limited to, any programming for anger management or mental health issues.

JASON KRANZ: Okay.

THE COURT: You're going to sign any releases that are necessary for your probation officer to monitor your progress in that program.

JASON KRANZ: Understood.

THE COURT: There's going to be an order under section 110 of the *Criminal Code*. That order prohibits you from possessing a firearm or any other item listed in that section of the *Criminal Code* for five years.

JASON KRANZ: Understood.

THE COURT: And you're going to provide a sample of your DNA. Police are going to arrange that and then you'll be released, okay?

JASON KRANZ: Understood.

THE COURT: Okay. And are all of the other charges to be withdrawn?

K. WOOD: Yes, please. Thank you.

JASON KRANZ: What was withdrawn?

THE COURT: There were two other assaults, I think it was.

JASON KRANZ: Okay.

D. WOODBECK: Thank you very much.

JASON KRANZ: Okay.

THE COURT: Thank you.

...WHEREUPON THESE PROCEEDINGS WERE CONCLUDED

FORM 3

CERTIFICATE OF TRANSCRIPT (SUBSECTION 5 (2))

Evidence Act

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